PATENT APPLICATION
CS8775
BCS033032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF	ART UNIT: 1626
RALF DUNKEL ET AL	EXAMINER: KAMAL A. SAEED
SERIAL NO.: 10/576,050	CONFIRMATION NO.: 9440
FILED: JULY 26, 2006	
TITLE: N-SUBSTITUTED PYRAZOLYL CARBOXANILIDES	

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Peter Dahmen, of Altebrücker Str. 61, 41470 Neuss, Germany, a citizen of Germany, hereby declare:

1. I am a biologist having studied at the University of Bonn, Germany, where I received the degree of Dr. agr.; I entered the employ of Bayer Aktiengesellschaft, Leverkusen, Germany, in 1991, where I have been employed in the department of Biology Herbicides and after the spin-off from Bayer CropScience AG I am now employee of this company in the department of Global Biology Fungicides; and I specialize in the field of fungicide research.

2. I am familiar with the subject matter of the above-identified United States patent application.

3. The following tests have been carried out under my supervision and control.

Example 1 *Pyricularia oryzae* test (barley) / preventive

Solvent: 49 parts by weight of dimethylacetamide

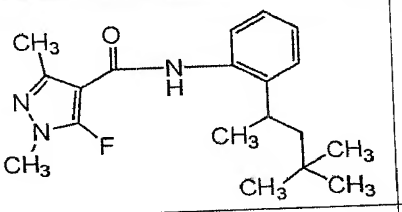
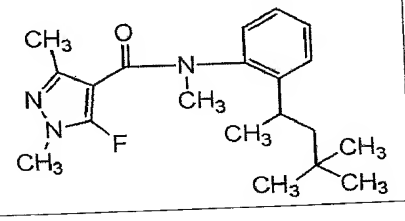
Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound or active compound combination is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for preventive activity, young plants are sprayed with the preparation of active compound or active compound combination at the stated rate of application. After the spray coating has dried, the plants are sprayed with a spore suspension of *Pyricularia oryzae*. The plants remain for 24 hours in an incubation cabinet at approximately 20°C and a relative atmospheric humidity of approximately 100%. The plants are then placed in the greenhouse at a temperature of approximately 24°C and a relative atmospheric humidity of approximately 80%.

The test is evaluated 8 days after the inoculation. 0% means an efficacy which corresponds to that of the untreated control, while an efficacy of 100% means that no disease is observed. Test results are shown in Table 1.

Table 1 *Pyricularia oryzae* test (barley) / preventive

Active compound		Application rate in ppm	Efficacy in %
Comparison compound of DE 10136065 (formula I-1)		500	50
Compound according to invention (Ex. 3)		500	71

Example 2 *Blumeria test* (wheat) / preventive

Solvent: 49 parts by weight of dimethylacetamide

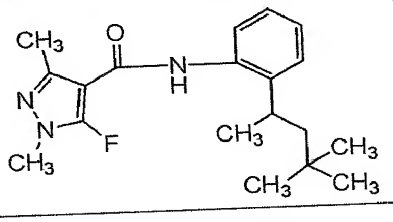
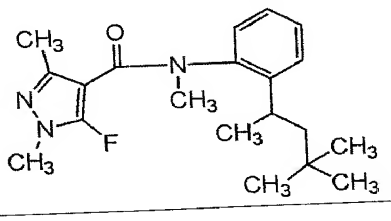
Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound or active compound combination is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for preventive activity, young plants are sprayed with the preparation of active compound or active compound combination at the stated rate of application. After the spray coating has dried, the plants are dusted with spores of *Blumeria graminis f.sp. tritici*. The plants are then placed in the greenhouse at a temperature of approximately 18°C and a relative atmospheric humidity of approximately 80% to promote the development of mildew pustules.

The test is evaluated 7 days after the inoculation. 0% means an efficacy which corresponds to that of the untreated control, while an efficacy of 100% means that no disease is observed. Test results are shown in Table 2.

Table 2 *Blumeria* test (wheat) / preventive

Active compound		Application rate in ppm	Efficacy in %
Comparison compound of DE 10136065 (formula I-1)		1000	70
Compound according to invention (Ex. 3)		1000	80

Example 3 *Blumeria test* (barley) / curative

Solvent: 49 parts by weight of dimethylacetamide

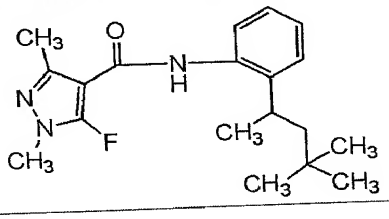
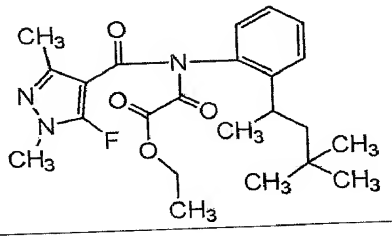
Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound or active compound combination is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for curative activity, young plants are dusted with spores of *Blumeria graminis f.sp. hordei* and placed then in a greenhouse at a temperature of approximately 18°C and a relative atmospheric humidity of approximately 80%. 48 hours after inoculation, the plants are sprayed with the preparation of active compound or active compound combination at the stated rate of application. After the spray coating has dried, the plants are placed again in a greenhouse at a temperature of approximately 18°C and a relative atmospheric humidity of approximately 80% to promote the development of mildew pustules. The plants are then placed in the greenhouse at a temperature of approximately 18°C and a relative atmospheric humidity of approximately 80% to promote the development of mildew pustules.

The test is evaluated 7 days after the inoculation. 0% means an efficacy which corresponds to that of the untreated control, while an efficacy of 100% means that no disease is observed. Test results are shown in Table 3.

Table 3 *Blumeria* test (barley) / curative

Active compound		Application rate in ppm	Efficacy in %
Comparison compound of DE 10136065 (formula I-1)		1000	50
Compound according to invention (Ex. 2)		1000	80

4. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Further Declarant Sayeth Not.

Signed at Monheim, Germany, this 17th day of May, 2010.

PETER DAHMEN